

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Attorney Docket No. 911568635006
Jan Andersson)	
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Application No.: 09/381,899)	
)	
Filed: December 16, 1999)	
)	
For: METHOD AND APPARATUS)	
FOR AUTOMATIC DATA)	
ACQUISITION OF FORMS)	
)	
Examiner: Bashore, William L.)	
)	
Art Unit: 2176)	
)	
Confirmation No.: 4564)	

REMARKS

New claim 58 has been added to the application so that claims 2, 4, 5, 8-10, 13-15, 18, 19, 21, 22, 25-27, 30-32 and 41-58 are now pending in the application. Claims 41, 45, 49, 50, 51, and 53-58 are independent claims.

Applicant structures this amendment to the rejections in other than sequential order because issues involved will be simplified and clarified.

Re rejections under section 103

Claim 56 stands rejected under section 103 based on Pizano in view of alleged Applicant's Admitted Prior Art (hereafter "AAAPA"). This rejection is respectfully traversed. Pizano discloses a system for classifying business forms. As a training step Pizano teaches scanning and inputting "template forms" which are blank forms of the business forms that will be processed for classification purposes. See Pizano, col. 2, lines 45-66 and Fig 1, forms 12 and 22. As stated in the Office Action the limitation in claim 56 of "automatically storing...presented documents that do not coincide...with any document ...previously stored...." is not taught by

Pizano. However, the Office Action states that applicant's specification teaches that a form is saved, and that since the specification also states that "(o)n the whole the means used in the present invention are well known to a skilled person in the technical field," the patent to Pizano and applicant's own specification may be combined to show that applicant's invention is obvious.

The reference to the specification takes the quoted sections out of context and there is a mischaracterization of applicant's statement of his invention as a statement of prior art. There is no legal or regulatory basis for the position taken in the Office Action. Applicant's statement about what is "well known" refers to the immediately preceding paragraph in the specification where computer hardware and software, are described, "such as, for example: (a) scanner...(a)n electronic storage medium...signs...(and) filters...." This statement is analogous to a nearly identical statement in Pizano that a "wide variety of systems capable of scanning, processing, displaying and storing these images are now commercially available." See Pizano, col. 1, lines 20-22.

It is further noted that after the word "field" in the quoted portion of applicant's specification, the sentence continues, "but the way in which they (the known hardware and software) are coordinated to achieve the object of the invention is, however, innovative." Hence, the quoted portion of the specification in the Office Action is taken out of context and is then mischaracterized. There is no admission in the specification that applicant's description of invention is also a statement of prior art. Such a conclusion is nonsensical. It is also noted that there is no legal basis for deconstructing a specification that meets section 112 requirements, so as to equate statements regarding invention as admissions of prior art.

A similar limitation is found in claim 57 which appears to be rejected in the same way as claim 56. This rejection is traversed.

There is no legal basis for combining an earlier patent and applicant's description of invention to form a rejection under section 103. Reconsideration of the rejections of claims 56 and 57 is respectfully requested.

The Office Action uses the same unsupported specification deconstruction technique in rejecting claims 53, 54 and 55. The Office Action refers to the specification statement, "a method...by means of a means for the same, of forms whose design and information is not known in advance." This quoted phrase is located under the heading "Summary of the invention," and is preceded by the paragraph, "The present invention concerns a system...for the automatic data acquisition of forms where the system has no prior knowledge of what the form looks like or where on the form the information is to be found. In this way, templates of forms do not have to be defined in advance, but are instead registered as they are submitted to the system, i.e., in real time." The quoted specification section from the Office Action follows in the next paragraph, "To accomplish the above objectives, the present invention specifies a method and arrangement for the automatic data acquisition, by means of a means for the same, of forms whose design and information is not known in advance, by input into the said means...The method is adaptive, by which it includes learning and registering of forms as patterns...." There is nothing in the specification that instructs someone that the statement of invention objectives is to be combined with an earlier unrelated patent.

As noted earlier, the applicant's statement about "known means" refers to the immediately preceding paragraph in the specification where computer hardware and software, are described, "such as, for example: (a) scanner...(a)n electronic storage medium...signs... (and) filters....," and that this statement is analogous to a nearly identical statement in Pizano that a

"wide variety of systems capable of scanning, processing, displaying and storing these images are now commercially available."

The rejections of claims 53-55 are respectfully traversed. With regard to claims 53-55, there is no legal basis for combining an earlier patent and applicant's statement describing the invention to form a rejection under section 103 for the reasons stated above. The language quoted from applicant's specification relates to applicant's disclosure of his invention and does not refer to prior art. Hence there is no admission of prior art. Reconsideration is respectfully requested.

Claims 41 and 45 are rejected under section 103 on the same basis as claims 53-57. These rejections are also traversed. The same arguments apply to the rejections here as stated with regard to claims 53-57. Applicant's description of his invention has not been admitted to be prior art and cannot properly be used to deny patentability.

Claim 50, like claims 41, 45 and 53-57 is rejected under section 103 based on the use of applicant's description of his invention. This rejection is traversed. The arguments made above apply here and are incorporated by reference.

Claim 51 is rejected under section 103, like claims 41, 45 and 53-57, on the use of applicant's description of his invention. The rejection is traversed. The arguments made above apply here and are incorporated by reference.

Re rejections under section 112

Claim 49 stands rejected under section 112 as not being enabled and as being indefinite because of the term "if any." This term has been deleted so that the rejections have been obviated.

Claims 51, 53 and 55 stand rejected under section 112 as not being enabled and as being indefinite. Each of the claims have been amended so as to make clear that the processing of documents occurs without the preprocessing input of document templates, that is, of non data containing documents of the kind that will be processed. This distinguishes Pizano which requires the preprocessing input of templates of the same forms as the forms to be processed. The specification supports this where it states, "The present invention concerns a system...for the automatic data acquisition of forms where the system has no prior knowledge of what the form looks like or where on the form the information is to be found. In this way, templates of forms do not have to be defined in advance, but are instead registered as they are submitted to the system, i.e., in real time."

Claim 41 stands rejected under section 112 as being indefinite. This rejection is respectfully traversed. The Office Action states first, that the last limitation is suppose to be conditional but is claimed as being unconditional, second, that the second recitation of the term "automatically" is redundant, and third, that a portion of a limitation will be ignored because it is conditional. As to the first part, the last limitation is unconditional. It is a matter of timing for a conditional step. The last step in the claim is an "either" storing step "or" an identifying step and when the storing step occurs the storing step "occurs as each document map fails to be identified." Thus, the further timing limitation is unconditional because it will occur after the conditional limitation happens, namely, the storing step occurs rather than the identifying step.

The second part of the rejection has been obviated by the deletion in the current amendment of the second occurrence of the word "automatically." As to the third part, it is a rule of claim review that every proper limitation must be considered when evaluating the

patentability of a claim and such limitations cannot be ignored. In view of the above, reconsideration is respectfully requested.

Claim 45 stands rejected under section 112 for being indefinite. This rejection is respectfully traversed. This rejection is similar to the third part of the rejection of claim 41. The last limitation, "when there is a lack of recognition" is unconditional but it is subject to a conditional limitation. Thus, it is a valid limitation and must be considered along with all other limitations when evaluating the patentability of the claim. Stated another way, a claim for a traffic light might have as limitations, a red light and a green light, the lights being on and off in an alternating manner, and the red light always flashes when it is on. A traffic light that has red and green lights but does not flash when in red mode will not infringe if later in time and will not anticipate if earlier in time, because the red light flashing is unconditional when in the light is in the conditional red mode. It would be improper to ignore the limitation of a flashing red light, whether the issue is infringement or patentability.

Request for reconsideration

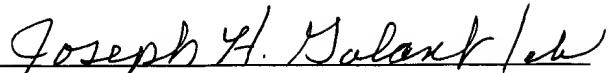
Reconsideration of all of the above mentioned claims is respectfully requested based on the above mentioned amendments and contentions. Reconsideration of all of the dependant claims, rejected as having the same deficiencies as the claims from which they depend, is also respectfully requested.

Request for interview

Applicant respectfully requests an interview with the examiner before any action is taken on this Amendment/ Response. Applicant's counsel will contact examiner to arrange a mutually convenient time.

Dated: July 7, 2006

Respectfully submitted,



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